

AMENDED IN ASSEMBLY APRIL 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1967

Introduced by Assembly Member Zettel

February 14, 2002

An act to *amend Section 6609.1 of*, and to add Section 6609.15 to, the Welfare and Institutions Code, relating to sexually violent predators.

LEGISLATIVE COUNSEL'S DIGEST

AB 1967, as amended, Zettel. Sexually violent predators: notification-~~of~~: change in status.

Existing law *provides for a civil commitment for an inmate determined to be a defined sexually violent predator. Existing law defines a “sexually violent predator” as a person who has been convicted of a sexually violent offense against 2 or more victims, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior if discharged.*

Existing law permits a person committed as a sexually violent predator to petition the court for conditional release from commitment to receive supervision and treatment in the community pursuant to a conditional release program for one year, or to petition the court for subsequent unconditional discharge.

Existing law requires that the State Department of Mental Health notify certain law enforcement entities when the department makes a recommendation to the court for community outpatient treatment for any person committed as a sexually violent predator.

This bill would also require the department to notify these law enforcement entities when a person committed as a sexually violent predator has petitioned a court for outpatient care in a conditional release program or has petitioned a court for subsequent unconditional discharge. This bill would require the department to also notify the victim or victims of the person committed as a sexually violent predator who have requested notification.

Existing law establishes various procedures, including evaluations, probable cause hearings, show cause hearings, and trials, any of which could result in a change in the person's status.

This bill would require that whenever a person's status as a sexually violent predator could change as a result of actions by the State Department of Mental Health or the superior court having jurisdiction, the department would be required to notify the victim or victims of the person, if ~~those victims~~ *the victim or victims* have requested notification, and specified entities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 6609.1 of the Welfare and Institutions*
2 *Code is amended to read:*

3 6609.1. (a) When the State Department of Mental Health
4 makes a recommendation to the court for community outpatient
5 treatment for any person committed as a sexually violent predator,
6 ~~it or when a person who is committed as a sexually violent predator~~
7 *has petitioned a court pursuant to Section 6608 for conditional*
8 *release under supervision and treatment in the community*
9 *pursuant to a conditional release program, or has petitioned a*
10 *court pursuant to Section 6608 for subsequent unconditional*
11 *discharge, the department shall notify the sheriff or chief of police,*
12 *or both, the district attorney, or the county's designated counsel,*
13 *that have jurisdiction over the following locations:*

14 (1) The community in which the person may be released for
15 community outpatient treatment.

16 (2) The community in which the person maintained his or her
17 last legal residence as defined by Section 3003 of the Penal Code.

18 (3) The county that filed for the person's civil commitment
19 pursuant to this article.



1 The department shall also notify *any victim or victims of the*
2 *person who have requested notification pursuant to subdivision (a)*
3 *of Section 6609.3 and the Sexually Violent Predator Parole*
4 Coordinator of the Department of Corrections, if the person is
5 otherwise subject to parole pursuant to Article 1 (commencing
6 with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal
7 Code.

8 The notice shall be given at least 15 days prior to the
9 department's submission of its recommendation to the court *in*
10 *those cases where the department recommended community*
11 *outpatient treatment.*

12 (b) When the State Department of Mental Health makes a
13 recommendation to pursue recommitment, makes a
14 recommendation not to pursue recommitment, or seeks a judicial
15 review of commitment status pursuant to subdivision (f) of Section
16 6605, of any person committed as a sexually violent predator, it
17 shall provide written notice of that action to the sheriff or chief of
18 police, or both, and to the district attorney, that have jurisdiction
19 over the following locations:

20 (1) The community in which the person maintained his or her
21 last legal residence as defined by Section 3003 of the Penal Code.

22 (2) ~~The probable~~ community in which the person will *probably*
23 be released, if recommending not to pursue recommitment.

24 (3) The county that filed for the person's civil commitment
25 pursuant to this article.

26 The State Department of Mental Health shall also notify the
27 Sexually Violent Predator Parole Coordinator of the Department
28 of Corrections, if the person is otherwise subject to parole pursuant
29 to Article 1 (commencing with Section 3000) of Chapter 8 of Title
30 1 of Part 3 of the Penal Code. The notice shall be made at least 15
31 days prior to the department's submission of its recommendation
32 to the court.

33 Those agencies receiving the notice referred to in this
34 subdivision shall have 15 days from receipt of the notice to provide
35 written comment to the department regarding the impending
36 release. Those comments shall be considered by the department,
37 which may modify its decision regarding the community in which
38 the person is scheduled to be released, based on those comments.

39 (c) If the court orders the release of a sexually violent predator,
40 the court shall notify the Sexually Violent Predator Parole

1 Coordinator of the Department of Corrections. The Department of
2 Corrections shall notify the State Department of Mental Health,
3 the sheriff or chief of police, or both, and the district attorney, that
4 have jurisdiction over the following locations:

5 (1) The community in which the person is to be released.

6 (2) The community in which the person maintained his or her
7 last legal residence as defined in Section 3003 of the Penal Code.

8 The Department of Corrections shall make the ~~above~~
9 notifications *required by this subdivision* regardless of whether the
10 person released will be serving a term of parole after release by the
11 court.

12 (d) If the person is otherwise subject to parole pursuant to
13 Article 1 (commencing with Section 300) of Chapter 8 of Title 1
14 of Part 3 of the Penal Code, to allow adequate time for the
15 Department of Corrections to make appropriate parole
16 arrangements upon release of the person, the person shall remain
17 in physical custody for a period not to exceed 72 hours or until
18 parole arrangements are made by the Sexually Violent Predator
19 Parole Coordinator of the Department of Corrections, whichever
20 is sooner. To facilitate timely parole arrangements, notification to
21 the Sexually Violent Predator Parole Coordinator of the
22 Department of Corrections of the pending release shall be made by
23 telephone or facsimile and, to the extent possible, notice of the
24 possible release shall be made in advance of the proceeding or
25 decision determining whether to release the person.

26 (e) The notice required by this section shall be made whether
27 or not a request has been made pursuant to Section 6609.

28 (f) The time limits imposed by this section are not applicable
29 when the release date of a sexually violent predator has been
30 advanced by a judicial or administrative process or procedure that
31 could not have reasonably been anticipated by the State
32 Department of Mental Health and where, as the result of the time
33 adjustments, there is less than 30 days remaining on the
34 commitment before the inmate's release, but notice shall be given
35 as soon as practicable. In no case shall notice required by this
36 section to the appropriate agency be later than the day of release.

37 (g) The provisions of this section are severable. If any
38 provision of this section or its application is held invalid, that
39 invalidity shall not affect other provisions or applications that can
40 be given effect without the invalid provision or application.

1 *SEC. 2.* Section 6609.15 is added to the Welfare and
2 Institutions Code, to read:

3 6609.15. Whenever a person's status as a sexually violent
4 predator could change as a result of actions by the State
5 Department of Mental Health or the superior court having
6 jurisdiction pursuant to subdivision (i) of Section 6601, the
7 department shall notify both of the following:

8 (a) The victim or victims of the person who have requested
9 notification pursuant to Section 679.03 or 3058.8 of the Penal
10 Code.

11 (b) Those entities entitled to receive notice pursuant to
12 subdivision (a) of Section 6609.1.

